

You don't have to stop being a PARENT while you are incarcerated

Your parental rights: When a child is in foster care for an extended period of time, Children's Services can file a petition to terminate a parent's rights and free the child for adoption. However, the law allows the agency to decide **not** to file for termination of parental rights under certain circumstances, such as when the child is living with a relative foster parent, when there is a compelling reason why termination is not in the child's best interest, and when the parent is incarcerated or in a residential treatment program and has maintained a meaningful role in the child's life. These decisions are made on a case-by case basis, with a focus on the best interests of the child.

If your child is in foster care, you have the right to:

- **Identify an appropriate person you would like to care for your child**, such as a relative or friend.
- **Be informed about Children's Services assigned to your child's wellbeing**, the name of your child's caseworker, and how to contact the caseworker and his/her supervisor.
- **Participate in planning** for your child.
- **Take advantage of services** to help you address the issues that led to your child's placement in foster care (parenting classes, substance abuse treatment, etc.)
- **Participate in meetings about the Case Plan for your child**, which should address the special challenges facing you and your family due to your incarceration.
- **Receive information about family visiting and other services** that can help you build a meaningful relationship with your child while you are incarcerated and after your release.
- **Visit with your child**, unless a court order prohibits visits. Ask about video/teleconferencing if in-person visits are not possible.
- **Be kept up to date on your child's health**, development, and progress in school.
- **Be informed about court proceedings** and attend them, if possible.
- **Be assigned an attorney** for the Juvenile Court Dependency action.

***** See the other side for information about your responsibilities as an incarcerated parent *****

As an incarcerated parent you have the responsibility to:

- **Make regular contact with your child and the Children's Services social worker.** Although this can be difficult while you are incarcerated, you are expected to make efforts to communicate with your child unless a court order prevents this. You must be able to show your caseworker and the judge that you have made this effort.
- **Show that you're planning for your child's future.** Identify someone who can care for your child while you are away.
- **Stay in touch with your child's caseworker and your attorney.** If you haven't had contact with the caseworker for six months it can be considered abandonment of your child and a petition could be filed to terminate your parental rights.
- **Complete any programs** that the Case Plan for your child requires of you as the parent.
- **Participate in Juvenile Court proceedings.** Contact your attorney if you are unable to attend a court proceeding. Make sure your attorney has copies of all of your relevant documents.

To find out who your child's assigned social worker is or to report child abuse or neglect: 1-800-609-8764 and after regular business hours, weekends and holidays: 1-800-562-5624